

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 30
97TH GENERAL ASSEMBLY

4234H.04C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 4, 10, and 51 of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to gubernatorial appointments.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2014, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article IV of the Constitution of the state of
5 Missouri:

Section A. Sections 4, 10, and 51, article IV, Constitution of Missouri, are repealed and
2 three new sections adopted in lieu thereof, to be known as sections 4, 10, and 51, to read as
3 follows:

Section 4. The governor shall fill all vacancies in public offices unless otherwise
2 provided by law, and his **or her** appointees **for elective office** shall serve until their successors
3 are duly elected [or appointed] and qualified. **In case of death, resignation, removal from**
4 **office, conviction after impeachment, or vacancy from any cause in the office of lieutenant**
5 **governor, the governor shall immediately appoint a qualified person to serve as acting**
6 **lieutenant governor to fill such vacancy. In cases of impeachment, the office shall remain**
7 **vacant until such impeachment is determined. If acquitted, the lieutenant governor shall**
8 **be reinstated in office. If the vacancy in the office of lieutenant governor occurs no later**
9 **than twenty-two months from the start of the term, then the vacancy shall be filled by a**
10 **special election held at the same time as the next general election, otherwise the vacancy**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 **shall not be filled by special election and the acting lieutenant governor shall serve the**
12 **remainder of the term for the office of lieutenant governor.**

Section 10. There shall be a lieutenant governor who shall have the same qualifications
2 as the governor and shall be ex officio president of the senate. In committee of the whole he may
3 debate all questions, and shall cast the deciding vote **on joint vote of both houses and** on equal
4 division in the senate [and on joint vote of both houses] , **except on matters related to**
5 **appointments of all members of administrative boards and commissions submitted to the**
6 **senate.**

Section 51. [The appointment of all members of administrative boards and commissions
2 and of all department and division heads, as provided by law, shall be made by the governor.
3 All members of administrative boards and commissions, all department and division heads and
4 all other officials appointed by the governor shall be made only by and with the advice and
5 consent of the senate.] **(1) By and with the advice and consent of the senate, the governor**
6 **shall appoint the heads of all executive departments or divisions, unless this constitution**
7 **or law provides otherwise. Notwithstanding any provision of article IV, section 4 of the**
8 **Constitution of Missouri to the contrary, whenever a vacancy shall occur in any office of**
9 **department head, the governor may appoint an acting or temporary department head in**
10 **such manner and for such time as prescribed by law. In the event of a vacancy, no**
11 **individual shall serve as an acting or temporary department head for such office longer**
12 **than one hundred eighty days from the date the vacancy first occurs without the advice**
13 **and consent of the senate. The governor shall not appoint an acting or temporary**
14 **department head if the governor has previously appointed an acting or temporary**
15 **department head for the same department or division within the last three hundred sixty**
16 **days.**

17 **(2)** The authority to act of any person whose appointment requires the advice and consent
18 of the senate shall commence, if the senate is in session, upon receiving the advice and consent
19 of the senate. If the senate is not in session, the authority to act shall commence immediately
20 upon appointment by the governor but shall terminate if the advice and consent of the senate is
21 not given within [thirty] **sixty** days after the senate has convened in regular or special session.
22 If the senate fails to give its advice and consent to any appointee, that person shall not be
23 reappointed by the governor to the same office or position.

Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of referendum measures to the voters of this state, the official summary statement of the act
4 proposed in section A of this act shall be as follows:

5 "Shall the Missouri constitution be amended to:

- 6 • Require that the Governor shall appoint acting department heads only in the
- 7 manner provided by law; and
- 8 • Modify the process by which the Governor makes appointments to fill vacancies
- 9 in public offices, subject to Senate oversight?"

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